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UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

11-15128

CHAPTER 13 PLAN AND RELATED MOTIONS

Name of Debtor(s):	Elpida Kollas	Case No:
This plan, datedJuly 1	10, 2011 , is:	
□ a	ne <i>first</i> Chapter 13 plan filed in this case. modified Plan, which replaces the lconfirmed or \(\sigma\) unconfirmed Plan dated.	
D	ate and Time of Modified Plan Confirming Hearing:	
Pl	lace of Modified Plan Confirmation Hearing:	
The Pla	n provisions modified by this filing are:	
Creditor	rs affected by this modification are:	

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: **\$311,280.00**

Total Non-Priority Unsecured Debt: \$242,443.00

Nikolaos Kollas

Total Priority Debt: **\$0.00**Total Secured Debt: **\$300,892.00**

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- 1				- 1	/ . '	

- 1. Funding of Plan. The debtor(s) propose to pay the trustee the sum of \$1,400.00 Monthly for 60 months. Other payments to the Trustee are as follows: NONE . The total amount to be paid into the plan is \$84,000.00 .
- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
 - A. Administrative Claims under 11 U.S.C. § 1326.
 - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
 - 2. Debtor(s)' attorney will be paid \$ __2,664.00 _ balance due of the total fee of \$ __3,000.00 _ concurrently with or prior to the payments to remaining creditors.
 - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

<u>Creditor</u> <u>Type of Priority</u> <u>Estimated Claim</u> <u>Payment and Term</u>

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
 - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

<u>Creditor</u> <u>Collateral</u> <u>Purchase Date</u> <u>Est Debt Bal.</u> <u>Replacement Value</u> -NONE-

B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

<u>Creditor</u> <u>Collateral Description</u> <u>Estimated Value</u> <u>Estimated Total Claim</u>

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C. Adequate Protection Payments.

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The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor	Collateral Description	Adeq. Protection Monthly Payment	To Be Paid By
Navy Fcu	2002 BMW 741Li 88000 miles	100.00	
Synergy One Fcu	2007 Cadillac Escalade 52884 miles	100.00	
Synergy One Fcu	2005 American Iron Horse Motorcycle 2500 miles	50.00	

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

		Approx. Bal. of Debt or	Interest	
Creditor	Collateral	"Crammed Down" Value	Rate	Monthly Paymt & Est. Term**
Navy Fcu	2002 BMW 741Li	20,250.00	5.25%	384.47
	88000 miles			60 months
Synergy One Fcu	2007 Cadillac Escalade	30,052.00	5.25%	570.57
	52884 miles			60 months
Synergy One Fcu	2005 American Iron Horse	11,932.00	5%	225.17
	Motorcycle			60 months
	2500 miles			

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

4. Unsecured Claims.

- A. Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately 2
 %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately 0
- B. Separately classified unsecured claims.

Creditor	Basis for Classification	Treatment
-NONE-		

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5.	Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term 5 1 2 8
	Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any
	existing default under 11 U.S.C. § 1322(b)(5).

A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

		Regular		Arrearage		Monthly
		Contract	Estimated	Interest	Estimated	Arrearage
Creditor	Collateral	Payment	Arrearage	Rate	Cure Period	Payment
Indymac Bank	Residence 9515 Sandy Court,	1,891.00	0.00	0%	0 months	
•	Manassas, VA 20110					
	Tax assessment value					

B. Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular				Monthly
		Contract E	Estimated	Interest	Term for	Arrearage
Creditor	Collateral	Payment A	Arrearage	Rate	Arrearage	Payment
-NONE-						

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

G 1'4	C - 11 - 4 1	Interest	Estimated	M
Creditor	Collateral	Rate	<u>Claim</u>	Monthly Paymt& Est. Term**
-NONE-				

- **6. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
 - **A. Executory contracts and unexpired leases to be rejected.** The debtor(s) reject the following executory contracts.

Creditor Type of Contract -NONE-

B. Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

Creditor	Type of Contract	Arrearage	Payment for Arrears	Estimated Cure Period
-NONE-				

Monthly

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7. Liens Which Debtor(s) Seek to Avoid.

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A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

Creditor -NONE-

Collateral

Exemption Amount

Value of Collateral

B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

Creditor

Type of Lien

Description of Collateral

Basis for Avoidance

Green Tree Servicing L

Second Deed of Trust

Residence 9515 Sandy Court, Manassas, VA 20110 Tax assessment value

- 8. Treatment and Payment of Claims.
 - All creditors must timely file a proof of claim to receive payment from the Trustee.
 - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
 - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
 - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- **9. Vesting of Property of the Estate.** Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- 10. Incurrence of indebtedness. The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:

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Signatures:			11-15128
Dated: Jul	y 10, 2011		
/s/ Nikolaos K	Kollas		/s/ Roger C. Hurwitz
Nikolaos Koll	as		Roger C. Hurwitz 51016
Debtor			Debtor's Attorney
/s/ Elpida Kol	las		
Elpida Kollas Joint Debtor			
Exhibits:	Copy of Debtor(s)' Bu Matrix of Parties Ser	ndget (Schedules I and J); wed with Plan	
		Certificate of Service	
I certi Service List.	fy that on July 10, 201 1	, I mailed a copy of the foregoing to	the creditors and parties in interest on the attached
		/s/ Roger C. Hurwitz	
		Roger C. Hurwitz 51016	
		Signature	
		The Debt Law Group, PLLC	
		PO Box 5928	
		Glen Allen, VA 23058	
		Address	
		804-308-0051	
		Telephone No.	

Ver. 09/17/09 [effective 12/01/09]

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United States Bankruptcy Court Eastern District of Virginia

11-15128

In re		os Kollas Kollas			Case No.	
			Debt	or(s)	Chapter	13
		SPECIAL NOT	TICE TO SE	CUREI	O CREDITOR	
То:		Tree Servicing L : 6172; Rapid City, SD 57709				
	Name o	of creditor				
	Tax as	nce 9515 Sandy Court, Manassas, VA sessment value otion of collateral	20110			
	Descrip	mon of conmerci				
1.	The att	ached chapter 13 plan filed by the debto	r(s) proposes (check one):	
		To value your collateral. <i>See Section</i> amount you are owed above the value				
	•	To cancel or reduce a judgment lien of <i>Section 7 of the plan</i> . All or a portion				
	posed rel of the ob	ould read the attached plan carefully for ief granted, unless you file and serve a vojection must be served on the debtor(s),	vritten objectio	n by the d	ate specified and appea	
		objection due:				
		and time of confirmation hearing:				
	Place	of confirmation hearing:				
					s Kollas	
				Elpida I	Kollas) of debtor(s)	
					•	
			By:		er C. Hurwitz C. Hurwitz 51016	
				Signatur		
				■ Debto	or(s)' Attorney	
				☐ Pro se	debtor	
				Roger (C. Hurwitz 51016	
					f attorney for debtor(s) bt Law Group, PLLC	!
				PO Box		
				_	len, VA 23058	
				Address	of attorney [or pro se	debtor]
				Tel.#	804-308-0051	
				Fax #	804-308-0053	

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CERTIFICATE OF SERVICE

11-15128

I hereby certify that true copies of the foregoing Notice and attached Chapter 13 Plan and Related Motions were served upon the creditor noted above by

■ first class mail in conformity with the requirements of Rule 7004(b), Fed.R.Bankr.P; or

☐ certified mail in conformity with the requirements of Rule 7004(h), Fed.R.Bankr.P

on this **July 10, 2011** .

/s/ Roger C. Hurwitz

Roger C. Hurwitz 51016

Signature of attorney for debtor(s)

Ver. 09/17/09 [effective 12/01/09]

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B6I (Official Form 6I) (12/07)

In re	Nikolaos Kollas Elpida Kollas		Case No.	11-15128
		Debtor(s)		

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

	DEPENDENTED		CDOLICE		
Debtor's Marital Status:					
Married	RELATIONSHIP(S): Son Daughter	AGE(S 3 3			
Employment:	DEBTOR		SPOUSE		
	reman	Office Assis	tant		
	RM Painting Corp	Continental	Janitorial Serv,	Inc	
How long employed	<u> </u>	1.5 years	•		
	00 Amity Ridge Rd ashington, PA 15301	42020 Villag #120-52	e Center Plaza		
	g.c, . /	Aldie, VA 20	105		
	jected monthly income at time case filed) mmissions (Prorate if not paid monthly)	\$	DEBTOR 8,667.00	\$	SPOUSE 2,916.00
2. Estimate monthly overtime		\$	0.00	\$	0.00
3. SUBTOTAL		\$	8,667.00	\$_	2,916.00
4. LESS PAYROLL DEDUCTIONS			0.044.00	Φ.	400.00
a. Payroll taxes and social securit	У	\$	2,041.00	\$_	492.00
b. Insurancec. Union dues		Ď.	446.00	ъ <u> </u>	0.00
		D)	0.00	φ <u></u>	0.00
d. Other (Specify):		 \$	0.00	\$ <u></u>	0.00
5. SUBTOTAL OF PAYROLL DEDU	CTIONS	\$	2,487.00	\$_	492.00
6. TOTAL NET MONTHLY TAKE H	OME PAY	\$	6,180.00	\$_	2,424.00
	usiness or profession or farm (Attach detailed state		0.00	\$	0.00
8. Income from real property		\$	0.00	\$_	0.00
9. Interest and dividends		\$	0.00	\$_	0.00
dependents listed above	payments payable to the debtor for the debtor's use	e or that of \$	0.00	\$	0.00
11. Social security or government assis (Specify):	tance	\$	0.00	\$_	0.00
-		\$	0.00	\$ _	0.00
12. Pension or retirement income 13. Other monthly income		\$	0.00	\$ _	0.00
<u> </u>	e tax return (Based on 2010 1040)	\$	737.00	\$	0.00
<u> </u>		\$	0.00	\$	0.00
14. SUBTOTAL OF LINES 7 THROU	IGH 13	\$	737.00	\$	0.00
15. AVERAGE MONTHLY INCOME	(Add amounts shown on lines 6 and 14)	\$	6,917.00	\$_	2,424.00
16. COMBINED AVERAGE MONTH	ILY INCOME: (Combine column totals from line	15)	\$	9,341	.00

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

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B6J (Official Form 6J) (12/07)

In re	Nikolaos Kollas Elpida Kollas		Case No.	11-15128
		Debtor(s)		

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22	The averag	
\square Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete expenditures labeled "Spouse."	ete a separat	e schedule of
1. Rent or home mortgage payment (include lot rented for mobile home)	\$	1,892.00
a. Are real estate taxes included? Yes No _X No _		
b. Is property insurance included? Yes NoX		
2. Utilities: a. Electricity and heating fuel	\$	425.00
b. Water and sewer	\$	100.00
c. Telephone	\$	0.00
d. Other Cell, Cable, Home Phone, Internet	\$	450.00 200.00
Home maintenance (repairs and upkeep) Food	\$ \$	1,000.00
5. Clothing	\$	225.00
6. Laundry and dry cleaning	\$	30.00
7. Medical and dental expenses	\$	150.00
8. Transportation (not including car payments)	\$	500.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	125.00
10. Charitable contributions	\$	0.00
11. Insurance (not deducted from wages or included in home mortgage payments)		
a. Homeowner's or renter's	\$	129.00
b. Life	\$	0.00
c. Health	\$	218.00
d. Auto	\$	197.00
e. Other	\$	0.00
12. Taxes (not deducted from wages or included in home mortgage payments)	¢	295.00
(Specify) Real estate and personal property 13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the	\$	293.00
plan)		
a. Auto	\$	0.00
b. Other	\$	0.00
c. Other	\$	0.00
14. Alimony, maintenance, and support paid to others	\$	0.00
15. Payments for support of additional dependents not living at your home	\$	0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	0.00
17. Other Personal Hygiene	\$	100.00
Other Child Care	\$	1,905.00
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and,	\$	7,941.00
if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)		
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year		
following the filing of this document:		
Debtor travels for work and incurs extensive travel and food expense	_	
20. STATEMENT OF MONTHLY NET INCOME	Φ.	0.044.00
a. Average monthly income from Line 15 of Schedule I	\$	9,341.00
b. Average monthly expenses from Line 18 abovec. Monthly net income (a. minus b.)	\$	7,941.00 1,400.00
c. Monthly net income (a. minus b.)	φ	1,400.00

11-15128

American Express P.O. Box 981535 El Paso, TX 79998

Ar Resources Inc Po Box 1056 Blue Bell, PA 19422

Bank Of America Po Box 17054 Wilmington, DE 19850

Capital One, N.a. Capital One Bank (USA) N.A. Po Box 30285 Salt Lake City, UT 84130

Chase Po Box 15298 Wilmington, DE 19850

Citibank Usa Citicorp Credit Services/Attn: Centraliz Po Box 20507 Kansas City, MO 64195

Direct TV PO Box 78626 Phoenix, AZ 85062

Green Tree Servicing L Po Box 6172 Rapid City, SD 57709

HSBC Hsbc/Attn: Bankruptcy Po Box 5895 Carol Stream, IL 60197

Indymac Bank Attn:Bankruptcy 2900 Esperanza Crossing Austin, TX 78758

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Navy Fcu Attention: Bankruptcy 820 Follin Lane Vienna, VA 22180

Navy Federal Cr Union 820 Follin Lane Vienna, VA 22180

Newport News Po Box 182686 Columbus, OH 43218

Synergy One Fcu 8700 Centreville Rd Manassas, VA 20110

Verizon California Inc Bankruptcy Administration 404 Brock Dr Bloomington, IL 61701

Wells Fargo Bank 18700 Nw Walker Rd Beaverton, OR 97006